

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMES BUSSEY,)	
)	
Plaintiff,)	
)	Civil Action File
v.)	
)	No. 1:25-CV-2624-VMC
DELTA COMMUNITY CREDIT)	
UNION,)	
)	
Defendant.)	

REPLY BRIEF IN FURTHER SUPPORT OF DEFENDANT’S
MOTION TO REMAND

In further support of its motion to remand this action to the Superior Court of Fulton County, Defendant Delta Community Credit Union (the “Credit Union”) replies to “Plaintiff’s Motion to Object to Defendant’s Motion to Remand and Supporting Memorandum of Law” filed May 15, 2025 (“Plaintiff’s Response”) as follows:

Untouched by Plaintiff’s Response is the solitary basis for the Credit Union’s motion to remand, that is, because he was Plaintiff in the action below, Plaintiff James Bussey cannot remove this case to federal court. Plaintiff’s pivot from diversity jurisdiction, which does not exist because both the Credit Union and he are domiciled in Georgia, see Declaration of Michael E. Brooks ¶ 5, Exhibit A to Defendant’s Motion to Remand and Supporting Memorandum of Law, to alleged

federal question jurisdiction does not change the law that a plaintiff may not remove an action from state court. See, e.g., Bowling v. U.S. Bank Nat'l Ass'n, 963 F.3d 1030, 1040 (11th Cir. 2020) (only a defendant to the original action may seek to remove a case under 28 U.S.C. § 1441(c)). So, whether Plaintiff is seeking to remove on the basis of diversity or federal question jurisdiction, because he is Plaintiff in the state court action, his attempted removal is improper.¹

The Credit Union therefore respectfully requests that this Court grant the Credit Union's motion and remand this case to the Superior Court of Fulton County.

Respectfully submitted.

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Credit Union

¹ Lest silence possibly be construed as acquiescence, the Credit Union disagrees with the conclusory, self-serving, unsubstantiated assertions in Plaintiff's Response, which is reminiscent of Plaintiff's unavailing filings and legal theories in the underlying action.

CERTIFICATION AS TO FONT AND POINT SELECTION

In accordance with Local Rule 7.1(D), the undersigned certifies that this brief was prepared with Times New Roman 14, a font and point selection approved by the Court in Local Rule 5.1(C).

/s/Michael E. Brooks

Michael E. Brooks

CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2025, I electronically filed the foregoing REPLY BRIEF IN FURTHER SUPPORT OF DEFENDANT’S MOTION TO REMAND with the Clerk of the Court using the CM/ECF system and served Plaintiff with a copy thereof by email to jamesbussey72@yahoo.com and by depositing it in the United States mail, properly addressed with sufficient postage affixed thereto to ensure delivery to the following:

Mr. James Bussey
455 Liberty Trace
Roswell, Georgia 30076

/s/Michael E. Brooks

Michael E. Brooks

Counsel for Defendant and Counterclaimant
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